



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,536	04/20/2004	Dieter Gottwald	20423-10527	2957

758 7590 04/01/2008
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

TRAN, PHUOC

ART UNIT	PAPER NUMBER
----------	--------------

2624

MAIL DATE	DELIVERY MODE
-----------	---------------

04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/827,536	Applicant(s) GOTTWALD, DIETER	
	Examiner Phuoc Tran	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/20/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2624

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 18 is missing. Therefore, misnumbered claim 19 has been renumbered claim 18.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandt et al [U.S. Patent No. 5,892,905].

As to claim 1, Brandt et al disclose a method for secure encoding of data including constructing a template agreed to for use by sender and receiver (see col. 11, lines 11-115; col. 14, lines 43-60; col. 23, lines 58-67; Fig. 11); encoding data with reference to the template (see col. 23, line 58 – col. 24, line 12; Fig. 12); and decoding the data with reference to the template (col. 24, line 46 – col. 25, line 20), wherein said template includes one or more element references (see Fig. 11, e.g., member number, name, origin city, etc.) said element reference includes encoding attributes (see Fig. 11, e.g., <INPUT TYPE= “text” NAME= “membno” Size 4>, <INPUT TYPE= “text” NAME= “lname” SIZE=15>, etc.), which determine the data element to encode or decode

Art Unit: 2624

and the representation of each data element; said element references are arranged relative to each other in a format defined by the template (see Fig. 11).

As to claim 2, Brandt et al disclose the claim limitations mentioned above with respect to claim 1. Brandt et al further disclose that element reference includes encoding elements (see Fig. 11, e.g., <INPUT TYPE= "text" NAME= "membno" Size 4>, <INPUT TYPE= "text" NAME="lname" SIZE=15>, etc.) which describe the encoding of the data and data elements which represents the encoded data; said element references, encoding elements and data elements are arranged relative to each other in a format defined by the template (see Fig. 11).

As to claims 3, 4, Brandt et al disclose that the element references are spaced apart by one or more literal elements (see Fig. 11).

As to claim 5, Brandt et al disclose that each template varies in the type of encoding for each data element and the arrangement of element references (see Figs. 11, 13, 14, 16, 18a, 18b, 19a, 19b, 19c, 21, 22).

As to claim 6, Brandt et al disclose that each template may vary in the format in which said element references, literal elements, encoding elements and data elements are arranged and each template may vary in the manner of encoding of the data (see Figs. 11, 13, 14, 16, 18a, 18b, 19a, 19b, 19c, 21, 22).

As to claims 7-18, these claims recite limitations which are similar to those of claims 1-6. Brandt et al disclose the claim limitations as mentioned above with respect to claims 1-6. Brandt et al further disclose various templates shown in Figs. 11, 13, 14, 16, 18a, 18b, 19a, 19b, 19c, 21, 22.

Art Unit: 2624

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DuFresne (5,835,712), Oliver (6,256,778) and Catchpole et al (2002/0065912) disclose various web page templates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc Tran whose telephone number is (571) 272-7399. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc Tran/
Primary Examiner, Art Unit 2624